

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 IO-10 AF-06 ARA-06 EA-06

NEA-10 CCO-00 CIAE-00 OTPE-00 FCC-01 INR-07 NSAE-00

OC-05 USIA-06 COME-00 BIB-01 CU-02 PA-01 PRS-01

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TO AMEMBASSY BONN

INFO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: ETEL, IMCO

SUBJECT: THE INTERNATIONAL MARITIME COMMUNICATIONS
SATELLITE ORGANIZATION (INMARSAT)

REF: BONN 5974, 4/14/75

1. AT THE CLOSE OF THE FIRST SESSION OF THE INMARSAT
CONFERENCE HELD IN LONDON, USG WON SUPPORT FROM 13
WESTERN EUROPEAN GOVERNMENTS FOR A PROPOSAL THAT THERE
ARE TWO SETS OF OBLIGATIONS WITHIN INMARSAT: ONE TO BE
UNDERTAKEN BY ALL GOVERNMENTS AND ANOTHER TO BE UNDERTAKEN
EITHER BY GOVERNMENTS OR BY DESIGNATED ENTITIES. RIGHTS
AND OBLIGATIONS OF LATTER RELATED TO FINANCIAL, TECHNICAL
AND OPERATIONAL FUNCTIONS. USG ALSO WON SUPPORT FROM
SAID GROUP FOR USG PROPOSAL TO INCORPORATE THESE
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OBLIGATIONS INTO TWO AGREEMENTS - AN INTERGOVERNMENTAL
AGREEMENT AND AN OPERATING AGREEMENT. FRG DELEGATION
VOLUNTEERED TO UNDERTAKE TO ATTEMPT TO DIVIDE THE ORIGINAL
PANEL OF EXPERTS DRAFT AGREEMENT INTO TWOALGROEM5NTS

AND TO FURNISH THEIR TEXT TO INTERSESSIONAL WORKING GROUP MEETING IN LONDON, AUGUST 4-8. USG PRIVATELY TOLD FRG WE WERE WILLING TO DISCUSS PROJECT IF FRG BELIEVED SUCH DISCUSSIONS MIGHT BE HELPFUL. FRG EXPRESSED APPRECIATION OF OFFER AND INTEREST IN DISCUSSIONS.

2. FRG HAD ORIGINALLY INDICATED THAT THEY WISHED

TO VISIT WASHINGTON THE FIRST WEEK IN JUNE TO DISCUSS THEIR DRAFT. THEY INDICATED THE BRITISH AND NORWEGIANS WOULD PROBABLY VISIT WASHINGTON AT THE SAME TIME. WE HAVE NOW BEEN TOLD, HOWEVER, THAT THESE REPRESENTATIVES PLAN TO BE IN WASHINGTON APPROXIMATELY JULY 18. (THIS DELAY IS APPARENTLY DUE TO THE FACT THAT THE GERMANS HAVE NOT COMPLETED THEIR TASK OF DIVIDING THE POE DRAFT INTO TWO AGREEMENTS, AND TO AMBASSADOR JAENICKE'S BUSY SCHEDULE WHICH MAKES IT DIFFICULT FOR HIM TO TRAVEL TO WASHINGTON BEFORE THAT DATE).

3. (FYI) WE ARE CONCERNED THAT WE WILL NOT BE ABLE TO REVIEW ANY GERMAN DRAFTS UNTIL JULY 18. THIS DATE LEAVES ONLY TWO WEEKS FOR USG TO PROPOSE ANY CHANGES TO DRAFTS BEFORE THE INTERSESSIONAL WORKING GROUP CONVENES IN LONDON AT THE BEGINNING OF AUGUST. WE BELIEVE THAT IT IS VERY IMPORTANT THAT THE FRG PRODUCE A TEXT WHICH IS ACCEPTABLE TO THE UNITED STATES AND TO OTHER MAJOR PARTICIPANTS IN THE CONFERENCE. IF THE FRG CAN PRODUCE SUCH TEXTS, THIS WILL HELP TO SOLIDIFY OUR TWO-AGREEMENT APPROACH. (END FYI)

4. IN ORDER TO ENSURE THAT THE GERMANS PRODUCE TWO TEXTS WHICH ARE BASED ON THE SAME CONCEPTUAL MODEL AS THE TWO TEXTS WHICH THE UNITED STATES HOPES THAT THE WHOLE CONFERENCE WILL EVENTUALLY SIGN, WE WOULD LIKE TO HAVE SOME CONTACT WITH THE GERMANS BEFORE JULY 18.

5. EMBASSY IS REQUESTED TO RAISE WITH AMBASSADOR J.
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JAENICKE, LEADER OF FRG DELEGATION TO LONDON CONFERENCE, OR OTHER APPROPRIATE OFFICIAL, POSSIBILITY OF WORKING LEVEL MEETING BETWEEN FRG EXPERTS WORKING ON PROJECT AND USG EXPERT. FRG SHOULD BE TOLD PURPOSE OF MEETING IS HOPEFULLY FOR HELPFUL U.S. CONSULTATION OR INPUT THAT MIGHT ASSIST FRG TO ACCELERATE COMPLETION OF PROJECT. IMPORTANCE TO USG OF FRG TEXT NOTED PARAGRAPH 3 SHOULD NOT BE RAISED BY EMBASSY OFFICERS. IF ASKED, EMBASSY OFFICERS MAY PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO USG THINKING AS TO THE CORRECT WAY OF BIFURCATING THE POE: A) POE ARTICLES 16-27,29,33,36, AND PART OF 28 BELONG IN THE OPERATING AGREEMENT; B)

INTERGOVERNMENTAL AGREEMENT SHOULD INCLUDE THE DEFINITIONS SUGGESTED IN MARSAT/CONF/5/3. THE TERMS "INTERGOVERNMENTAL AGREEMENT", "OPERATING AGREEMENT", "PARTIES", AND "SIGNATORIES" SHOULD BE USED THROUGHOUT BOTH TEXTS; C) NEW SETTLEMENT OF DISPUTES AND WITHDRAWAL ARTICLES MUST BE DRAFTED TO ACCOUNT FOR THE MORE COMPLEX STRUCTURE

NOW ENVISAGED; D) ADDITIONAL INTRODUCTORY AND CLOSING ARTICLES WILL HAVE TO BE DRAFTED FOR THE OPERATING AGREEMENT.

6. PROPOSED MEETING, WHICH WOULD NOT BE IN LIEU OF JULY 18 MEETING, COULD EITHER BE IN BONN OR WASHINGTON. TWO DAYS ARE FORESEEN AS ADEQUATE. USG STRONGLY PREFERS EARLIEST POSSIBLE DATES AND SUGGESTS DATES BE SELECTED WITHIN PERIOD JUNE 9-20.

7. IN THE EVENT THAT GERMANS INDICATE THEY ARE NOT INTERESTED IN SUCH MEETING AT PRESENT TIME, EMBOFF SHOULD USE THIS OPPORTUNITY TO ATTEMPT HIMSELF TO FIND OUT HOW GERMANS ARE APPROACHING THIS TASK:

A) SPECIFICALLY, ARE THEY PREPARING OUTLINES, FULL TEXTS, OR SOMETHING IN-BETWEEN? ONCE THEY HAVE BEGUN WORK, IT BECOMES APPARENT THAT AT LEAST TWO ARTICLES - WITHDRAWAL AND SETTLEMENT OF DISPUTES - MUST BE TOTALLY RE-DRAFTED. POE ISN'T EVEN A BASIS. QUESTION, THEN, IS WHETHER GERMANS HAVE UNDERTAKEN TO RE-DRAFT OR WHETHER THEY WOULD LEAVE THESE ARTICLES BLANK WITH A NOTATION LIMITED OFFICIAL USE
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THAT CONFERENCE WILL HAVE TO RE-DRAFT. WE WOULD PREFER LATTER SINCE THIS WOULD ALLOW USG TO TABLE ITS VERSIONS OF THESE ARTICLES WITHOUT THE NEED OF PRESENTING THEM AS QTE AMENDMENTS UNQTE. IF OPPORTUNITY PRESENTS ITSELF, EMBOFF SHOULD HINT THAT TASK IS EXTENSIVE AND PERHAPS BEYOND QTE TERMS OF REFERENCE UNQTE OF GERMAN WORK.

B) IDEALLY, EMBOFF WOULD OBTAIN CURRENT VERSION OF FRG DRAFTS OR AT LEAST DETERMINE STRUCTURAL MODEL BEING USED. (INTELSAT? U.S.SUBMISSIONS TO INMARSAT CONFERENCE?) KISSINGER

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